
INQ 16-62

From: Murawski, Michael P. (COE)
Sent: Thursday, March 03, 2016 3:31 PM
To: Singer, Miriam (ISD)
Cc: Centorino, Joseph (COE); Smith, Tara C. (ISD); Iturrey, Mike (ISD); Perez, Martha D. (COE)
Subject: RE: Ethics Opinion Outside Employment INQ16-62

Miriam:

I have reviewed your request. I have concluded that the part-time individuals to be employed by the County to perform maintenance for ISD Facilities and Utilities Management Division can NOT also be temporary part-time employees of Alpha 1, (a County vendor) and also work for ISD Facilities and Utilities Management Division.

County employees need permission from their supervisor in order to engage in outside employment. (See AO 7-1) In addition, under Section 2-11.1 (f), County employees who are also employed by a corporation, firm, partnership or business entity (in this case, Alpha 1) which has substantial business commitments to the County, have to file a sworn statement disclosing such outside employment with the Clerk.

Sec. 2-11.1(j) of the Conflict of Interest and Code of Ethics ordinance states that, no employee, may “accept other employment which would impair his or her independence of judgment in the performance of his or her duties.” (See INQ06-172)

As discussed in the Ethics Commission’s “Outside Employment Guidelines” the following criteria may be indicative of potential conflicts between an employee’s duties to the public and duties to his/her outside employer (Alpha 1): The highlighted portions are the areas I see as being applicable to the situation you have presented.

- **The outside employment is related to the employee’s public position.**
- **The outside employment consists of work that is similar to work done by the public employee.**
- **The public employee will come in contact with the same or similar people or entities in both his/her outside employment and in his/her public position, e.g., similar clients, suppliers, or subcontractors.**
- **The public employee uses the same or similar resources in his/her outside employment as he/she uses in his public position, e.g., similar tools, similar materials, or similar databases.**
- At least a portion of the outside employment can only be accomplished during the same business hours in which the employee is required to work for the public.
- The employee works in a public position in which he/she has the opportunity to refer vendors, contractors, bidders, or members of the public to the his/her outside employer or related private business entities.
- The public employee works in a public position in which he/she has the opportunity to recruit vendors, contractors, bidders, or members of the public to use his/her outside employment products or services.
- **The outside employment requires that the public employee interact with employees or boards of the same government entity in which he/she is employed, even for routine matters.**
- The public employee has access through his public position to non-public information that is relevant to his/her outside employment.

- **The public employee works in a department that funds or has a contract with his/her outside employer.**

- The outside employment is likely to place the public employee in situations in which private economic considerations may override the faithful discharge of his/her public responsibilities.

Consequently, their initial positions as part-time temporary employees through Alpha 1 followed by their prospective part-time County employment working in the same capacity and under the same department exposes them to situations affecting their independence of judgement in the performance of their County duties.

I have rendered this opinion based on the facts as provided to me. If there are any changes in the facts or circumstances, the opinion can be revisited.

From: Singer, Miriam (ISD)
Sent: Thursday, March 03, 2016 12:02 PM
To: Murawski, Michael P. (COE)
Cc: Centorino, Joseph (COE); Smith, Tara C. (ISD); Iturrey, Mike (ISD)
Subject: FW: Ethics Opinion

Good Afternoon Michael:

Would you please review this request and advise me on the manner in which to proceed.

Thanks,

Miriam

From: Silva, Juan C. (ISD)
Sent: Thursday, March 03, 2016 11:25 AM
To: Singer, Miriam (ISD)
Cc: Therilus, Theresa (ISD); Hall, Beverly (ISD)
Subject: Ethics Opinion

Good morning Miriam,

I would like to get an official opinion from the Ethics Commission regarding outside employment of part time maintenance mechanics. We currently have about twenty maintenance repairers working for ISD on various projects through Alpha 1 Staffing, a county vendor. Some of the temporary maintenance personnel applied for both, full time and part time maintenance positions available for ISD Facilities and Utilities Management Division. We are offering the temporary agency personnel three of the six available part time positions. These individuals have asked if they can continue working for the county vendor Alpha 1 Staffing while employed as a part time employee by Miami-Dade County in the same capacity. The part time position offers 30 hours or less per week and candidates have expressed that they may not be able to accept the position due to the limited hours.

Without the six part time maintenance mechanics we will not be able to perform required maintenance effectively. It has been a challenge just hiring qualified applicants into the full time positions. Part time positions are even less desirable for qualified and experienced candidates due to the hours. If approved, these part time individuals would be working for the county vendor and for Miami Dade County ISD basically performing the same functions but for different projects. They may work under the same building manager for full time and part time projects.

We would like to get an opinion before offering the positions. Let me know.

Thanks,

Juan C. Silva

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